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LEGISLATIVE PROPOSALS 1980

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Publication # 11605 approved by Alfred C. Holland, State Purchasing Agent.

H.63 AN ACT RELATIVE TO THE TRANSPORTATION OF PERSONS ATTENDING CERTAIN FACILITIES OF THE DEPARTMENT OF MENTAL HEALTH

Currently, under Sections 27 and 28 of Chapter 19 of the General Laws, local school departments are responsible for the transportation costs of certain mentally retarded persons who are attending facilities approved by the Department of Mental Health. Any city or town whose school system pays for the transportation required under this section is reimbursed by the Department of Education for one half of the cost of transporting a retarded child (i.e., under 18) and for the full cost of transporting a retarded adult (i.e., 18 or older) to and from such a facility. This legislation transfers the financial responsibility for the transportation costs of these individuals to the Department of Mental Health. A specific exclusion is included for persons receiving services under Chapter 71B of the General Laws.

H.64 AN ACT PROVIDING FOR A UNIFORM SYSTEM OF AID TO ADULT EDUCATION

The purpose of this legislation is to promote learning opportunities for adults by establishing a uniform system of adult education. Presently, adult education is provided for under various statutes of the General Laws and consequently, the adult services delivered to citizens of the Commonwealth lack consistency, and are often duplicative and costly. By this legislation, all adult education program offerings are consolidated under one chapter of the General Laws called Chapter 71C. A mechanism is also introduced that allows the Commonwealth to funnel assistance to certain program areas through the aid formula contained in Chapter 70 of the General Laws.

H.65 AN ACT EXTENDING THE SCHOOL BUILDING ASSISTANCE PROGRAM

Chapter 645 of the Acts of 1948, as amended, authorizes the Board of Education to approve grants and reimbursements to cities, towns, counties and regional school districts for surveys of school building needs, regional planning costs, construction of new schools, enlargement and renovation of existing schools, and acquisition of buildings for use as schools. Chapter 645 is scheduled to terminate on June 30, 1981. The legislation would extend this act until June 30, 1986.

H.66 AN ACT TO PROMOTE THE ENERGY EFFICIENCY OF PUBLIC SCHOOL BUILDINGS

By amending Chapter 645 of the Acts of 1948, this legislation would permit the Board of Education, subject to appropriation, to approve grants to assist communities in defraying the costs of major energy conservation projects. The grant would cover approximately twenty-five to thirty-seven percent of the total cost of the project, excluding interest payments.

H.67 AN ACT RELATIVE TO SUSPENSION OF PUPILS FROM THE PUBLIC SCHOOL

Section 17 of Chapter 76 of the General Laws requires that prior to permanent exclusion, a student and his/her parent must be given a hearing before the local school committee. This legislation would add to this section by providing that the suspension of any student from the public schools for more than 5 consecutive school days must be treated as a permanent exclusion. Under these circumstances, the formal hearing requirement is extended to certain suspension cases.

H.68 AN ACT RELATIVE TO CERTAIN PERSONS ENROLLED IN VOCATIONAL EDUCATION PROGRAMS

Currently, several vocational schools across the Commonwealth offer certificate or degree-granting programs at the post-secondary level to students who have graduated from high school. Nothing in law now provides that the individual may be charged for this type of education in contrast to similar programs offered at community colleges. To address this inequity, the legislation provides for a tuition fee to be charged to the attending student. The city, county or regional school district that operates the program will receive partial reimbursement from the Commonwealth for their expenses through the aid formula contained in Chapter 70 of the General Laws.



The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY

AN ACT RELATIVE TO THE TRANSPORTATION OF PERSONS ATTENDING CERTAIN FACILITIES OF THE DEPARTMENT OF MENTAL HEALTH

SECTION 1. Section twenty-seven of chapter nineteen of the General Laws is hereby repealed.

SECTION 2. Said chapter 19 is hereby further amended by striking out section 28, as most recently amended by section 3 of chapter 888 of the acts of 1970, and inserting in place thereof the following section: —

SECTION 28. Whenever a mentally retarded person qualifies for attendance at an educational, habilitational or day care program or facility of the department of mental health, and said person is not eligible for services under the provisions of chapter seventy-one B, the department shall provide for the transportation of said person to and from such facility on such days as it is in session.

SECTION 3. Section thirteen of chapter seventy-one B of the General Laws, as most recently amended by section seventy I of chapter three hundred sixty-seven of the acts of nineteen hundred and seventy-eight is hereby repealed.



The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY

AN ACT PROVIDING FOR A UNIFORM SYSTEM OF AID TO ADULT EDUCATION

SECTION 1. It is the purpose of this act to assist school committees in providing for the diverse educational interests and needs of residents of the commonwealth by establishing a uniform system of adult education, while at the same time recognizing the fiscal constraints placed on those school committees.

Substantial numbers of adults in the commonwealth have not received a high school diploma. Many other adults need assistance in preparing to become American citizens. Basic education for all residents in the form of high school level education and citizenship training is essential for an informed citizenry able to benefit from community resources, and to participate in public affairs and the democratic process. Accordingly, this act provides for state assistance to programs of basic educational attainment to encourage school committees to make such programs available to residents of their communities.

Many residents of the commonwealth need the opportunity to develop new skills, meeting the demands of changing technology, and to obtain gainful and reasonably satisfying employment. It is also the purpose of this act to assist school committees in meeting this need by providing assistance to those communities which provide work-related adult education to their citizens.

Finally, it is the purpose of this act to encourage school committees to provide for the wide diversity of educational and recreational skills and interests of adults in their communities. Availability of adult education enriches the lives of the citizens of the commonwealth. It develops a sense of direct involvement in local schools and in continuing education which is of benefit to all.

SECTION 2. Sections nine to eleven, inclusive, of chapter 69 of the General Laws are hereby repealed.

SECTION 3. Section 2 of Chapter 70 of the General Laws, as appearing in section 70C of chapter 367 of the acts of 1978, is hereby amended by inserting before the definition of "Average current operating expenditure per pupil in regular day program in the commonwealth", the following definition:-

"Adult education program", a public school program of academic or vocational courses approved under the provisions of chapter 71C.

SECTION 4. Said section 2 of said chapter seventy, as so appearing, is hereby amended by striking out the definition of "Full-time equivalent pupil", and inserting in place thereof the following definition:-

"Full-time equivalent pupil", the computational unit used for the purpose of determining the number of pupils enrolled in either public school, including an adult education program, or in a program approved under chapter seventy-one B and the regulations promulgated thereunder, and educated at the full or partial expense of a city, town, regional school district or independent vocational school in each of the programs described in section two A.

Such unit shall be computed as follows:

(1) a pupil enrolled full-time in only one such program shall be counted as one full-time equivalent pupil in that program; provided that a pupil enrolled in a kindergarten or preschool program which meets for a period of time each day no greater than one-half the minimum length for a school day as established by the board of education under section one G of chapter fifteen shall be counted as one-half of a full-time equivalent pupil in the program in which such a pupil is enrolled;

(2) a pupil enrolled separately in two or more said programs shall be counted as a fraction of a full-time equivalent pupil in each program with each such fraction equal to the number of hours the pupil spends in each program divided by the total number of hours the pupil spends in all programs;

(3) a pupil enrolled in two or more said programs which are carried on simultaneously, and are therefore consolidated into one program, shall be counted as a full-time equivalent pupil in that one of such simultaneous programs in which the pupil is enrolled which has the highest pupil weight, as hereinafter provided in the definition of weighted full-time equivalent pupil;

(4) a pupil enrolled in a program of more than one hundred and eighty-five days duration shall be counted as one full-time equivalent pupil plus a fraction of one full-time equivalent pupil in that program, with such fraction equal to the number of days in excess of one hundred and eighty divided by one hundred and eighty; and

(5) a pupil enrolled in an adult education program shall be counted as that fraction of a full-time equivalent pupil as is determined by dividing the number of hours that the pupil is enrolled in the program by nine hundred hours.

The commissioner may, by regulation, under the direction of the state board, further define the computation of "full-time equivalent pupil" as he deems advisable.

SECTION 5. Said section 2 of said chapter seventy, as so appearing, is hereby amended by striking out the definition of "Pupil", and inserting in place thereof the following definition:-

"Pupil", a person who is enrolled in either a public school, including an adult education program, or in an approved program under chapter seventy-one B and the regulations promulgated thereunder, and educated at the full or partial expense of a city, town, regional school district or independent vocational school where said full or partial expense represents an actual outlay or disbursement by said city, town, regional school district or independent vocational school.

SECTION 6. Said section 2 of said chapter seventy, as so appearing, is hereby amended by striking out the definition of "Weighted full-time equivalent pupil", and inserting in place thereof the following definition:-

"Weighted full-time equivalent pupil", a full-time equivalent pupil enrolled in any regular day, adult education, special needs, vocational or transitional bilingual education program multiplied by the pupil weight cost factor for the program or programs in which the pupil is enrolled as set forth in section two A.

SECTION 7. The first paragraph of section 2A of said chapter seventy, as so appearing, is hereby amended by adding after subparagraph (6) the following subparagraphs:-

(7) a full-time equivalent pupil enrolled in a work related instruction course or practical arts course approved under section six of chapter seventy-one C shall be assigned a pupil weight of 0.50;

(8) a full-time equivalent pupil enrolled in a basic educational attainment course approved under section three of chapter seventy-one C shall be assigned a pupil weight of 0.60.

SECTION 8. The second paragraph of said section 2A of said chapter seventy, as so appearing, is hereby amended by striking out subparagraphs (2), (3) and (4), and inserting in place thereof the following subparagraphs:-

(2) pupils enrolled in programs under the provisions of sections twenty-six A, and seventy-seven of chapter seventy-one and any regulations promulgated thereunder and educated at the direct expense of a city, town, regional school district or independent vocational school, shall be counted as a fraction of a full-time equivalent pupil enrolled in a regular day program, where the numerator of said fraction is the total amount so expended for

instructional services during the previous fiscal year after deducting therefrom any receipts for tuition, receipts from the federal government, the proceeds of any invested funds and grants, gifts and receipts from any other sources to the extent that such receipts are applicable to such expenditures provided, however, that amounts applicable to such expenditures received under this chapter as reimbursements for such expenditures shall not be so deducted, and the denominator of which is the average current operating expenditure per pupil in regular day program in the commonwealth during said year; and,

(3) pupils enrolled in any program and educated at the direct expenses of a city, town or regional school district who are residents of an institution and were not theretofore residents of said city, town or regional school district under the provisions of section eleven of chapter seventy-six shall be counted as a fraction of a full-time equivalent pupil enrolled in a regular day program where the numerator of said fraction is the total amount so expended for instructional services for said pupils during the previous fiscal year, after deducting therefrom any amount recovered from the commonwealth under said section eleven, and the denominator of which is the average current operating expenditure per pupil in regular day program in the commonwealth during said year.

SECTION 9. The second paragraph of section 4 of said chapter seventy, as so appearing, is hereby amended by striking out subparagraph (e) and inserting in place thereof the following subparagraphs:-

(e) approval of adult education programs under chapter seventy-one C and regulations promulgated thereunder;

(f) approval of programs under sections twenty-six A, seventy-five, seventy-six and seventy-seven of chapter seventy-one and regulations promulgated thereunder.

SECTION 10. Sections eighteen to twenty-six, inclusive, of chapter 71 of the General Laws are hereby repealed.

SECTION 11. Section 71E of said chapter seventy-one, as appearing in chapter 639 of the acts of 1977, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:-

In any city or town which accepts this section, all monies received by the school committee in connection with the conduct of adult education courses offered under chapter seventy-one C, including, but not limited to adult physical fitness programs conducted under section seventy-one B, summer school programs and programs designated by vote of said school committee as community school programs, and all monies received in connection with the use of school property under section seventy-one, shall be deposited with the treasurer of the town or city and held as separate accounts.

SECTION 12. The General Laws are hereby amended by inserting after chapter 71B the following chapter:-

CHAPTER 71C ADULT EDUCATION

SECTION 1. The following words, as used in this chapter shall have the following meanings, unless the context otherwise requires:-

“Adult education pupil”, any person aged 16 or older who is enrolled in courses in the public schools provided under the provisions of this chapter and who is not enrolled in a regular day school program, day vocational program, transitional bilingual education program, or special education program provided pursuant to chapter seventy-one B.

“Adult vocational education pupil”, any person aged 16 or older who is enrolled in evening vocational education courses or evening practical arts courses offered pursuant to this chapter and to chapter seventy-four and who is not enrolled in a day vocational program.

“Approved program”, a program of instruction approved by the commissioner as to organization, control, location, equipment, qualifications of teachers, and methods of instruction.

“Basic educational attainment programs”, approved programs of instruction at the secondary school level for which academic credit is granted by the school committee and which enable adult education pupils to meet the requirements for a high school diploma or the general educational development examination.

Such programs shall also include instruction adapted to fit adult education pupils for American citizenship.

"Commissioner", the commissioner of education.

"General educational enrichment courses", courses of a broad educational or recreational nature offered to adults primarily for personal interest, including but not limited to, adult physical fitness courses under section seventy-one B of chapter seventy-one and courses offered in community school programs so designated by prior vote of a school committee.

"School committee", the school committee of any city, town or regional school district, or the board of local or district trustees for vocational education.

"State board", the state board of education.

"Work-related instruction", approved programs of instruction in evening vocational education or practical arts offered under the provisions of chapter seventy-four of the General Laws, the primary purpose of which is to fit adult vocational pupils for profitable employment.

For the purposes of this chapter, the agricultural schools maintained by the counties of Bristol, Essex, and Norfolk shall be deemed to be regional school districts.

SECTION 2. The commissioner, under the direction of the state board, shall encourage the establishment of programs for adult education and approve such programs as are provided for in this chapter.

SECTION 3. A school committee may establish and maintain programs for basic educational attainment. Instruction in such programs shall be offered without charge to adult education pupils regardless of their place of residence. Programs offered under this section shall be approved by the commissioner.

SECTION 4. The state board shall have the authority upon application to grant certificates to adult education instructors as defined in section one who meet such qualifications as may be established and put into effect by said board.

No person shall be eligible for employment by a school committee to teach in programs approved under section three of this chapter, unless he or she is a certified adult education instructor or is certified under the provisions of section thirty-eight G of chapter seventy-one or section six of chapter seventy-one A and has been recommended for such employment by the superintendent of schools.

A certificate issued by the state board under the provisions of this section may be revoked for cause pursuant to standards and procedures established by rules and regulations of said board.

Except as otherwise specifically provided in this section, no rights of any employees of a school committee shall be impaired by the provisions of this section.

SECTION 5. A school committee may establish and maintain programs of work-related instruction under the provisions of this chapter and of chapter seventy-four. Programs offered under this section shall be approved by the commissioner.

A school committee may require in advance from adult vocational education pupils, regardless of their place of residence, payment not exceeding twenty dollars, or such amount as may be determined by the commissioner, for each course offered in an approved work-related program for which the pupil registers.

SECTION 6. No person shall be eligible for employment by a school committee to teach in programs approved under section six, unless he or she is approved therefore under the provisions of chapter seventy-four and the regulations promulgated thereunder and has been recommended for such employment by the superintendent of schools.

SECTION 7. A school committee may establish and maintain such general educational enrichment courses as it deems appropriate.

In connection with the conduct of such courses, a school committee may require payment in advance for each course in such amount or amounts as it may from time to time establish.

A school committee may contract with such persons as it deems suitable to teach courses offered under this section, upon recommendation of the superintendent of schools.

SECTION 8. The foregoing provisions shall not be construed to prohibit a school committee at its discretion from admitting a person over sixteen, who is not otherwise qualified by law, to a regular day school program provided that space is available. Such persons admitted to a regular day school program under this section shall not be included in determining the sum of weighted full-time equivalent pupils under section two A of chapter seventy unless such person's enrollment in said day program is included in an approved adult education program.

SECTION 9. No adult education pupil shall be excluded from or discriminated against in the admission to any course offered under this chapter on account of race, color, sex, religion, national origin or handicap.

SECTION 10. The state board shall have the authority from time to time to make, amend and rescind such rules and regulations as may be necessary to carry out the provisions of this chapter.

SECTION 13. This act shall take effect on July 1, 1980.



The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY

AN ACT EXTENDING THE SCHOOL BUILDING ASSISTANCE PROGRAM

SECTION 1. Chapter 645 of the acts of 1948 is hereby amended by striking out section 10, as most recently amended by section 7 of chapter 302 of the acts of 1976, and inserting in place thereof the following section:-

SECTION 10. Sections one to nine A of this act shall take effect on July the first of the current year, and shall cease to be operative on June the thirtieth, nineteen hundred and eighty-six, except that the payments provided by section nine shall be continued thereafter by the state treasurer, subject to appropriation, in accordance with the provisions of said section, on certification by the commissioner of education.



The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY

AN ACT TO PROMOTE THE ENERGY EFFICIENCY OF PUBLIC SCHOOL BUILDINGS

SECTION 1. The definition of "Approved school project" in section 5 of chapter 645 of the acts of 1948, as amended is hereby further amended by adding the following sentence:-

Approved school project shall also mean any project which in the judgement of the board will substantially increase the energy efficiency of a schoolhouse; provided that the contract for any such project has been awarded on or after January first, nineteen hundred and seventy-nine and provided, further, that the provisions of section 8B and 8C shall not apply to any such project.

SECTION 2. Section 9 of said chapter 645 of the acts of 1948, as most recently amended by section 6 of chapter 302 of the acts of 1976, is hereby further amended by adding the following paragraph:-

Notwithstanding any provisions of this act to the contrary, the final approved cost of any project which in the judgement of the board will substantially increase the energy efficiency of a schoolhouse shall not include any interest paid or payable on account of any bonds or notes issued to finance such a project, and the amount of the state grant for any such project as so determined under clauses (a), (b) and (c) of this section shall be reduced by one half.



The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY

AN ACT RELATIVE TO SUSPENSION OF PUPILS FROM THE PUBLIC SCHOOLS

SECTION 1. Section 17 of chapter 76 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding the following sentence:-

The suspension of any pupil from the public schools for more than five consecutive school days shall be subject to the procedural requirements for permanent exclusion.



The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY

AN ACT RELATIVE TO CERTAIN PERSONS ENROLLED IN VOCATIONAL EDUCATION PROGRAMS

SECTION 1. Chapter 74 of the General Laws is hereby amended by striking out section 8, as most recently amended by chapter 730 of the acts of 1970, and inserting in place thereof the following section:-

SECTION 8. A town where a person resides who is admitted to the school of another town under section seven shall pay a tuition fee to be fixed by the commissioner under the direction of the state board, and in default of payment shall be liable therefore in contract to such other town. If an approved vocational school established by a regional school district accepts a student who resides in a town, other than a member town of said district, which does not maintain such a vocational school, the town in which such student resides shall pay a tuition fee to be fixed by the regional district school committee and approved by the commissioner under the direction of the state board.

SECTION 2. Said chapter 74 is hereby further amended by inserting after section 8 the following section:-

SECTION 8½. Any city or town which accepts this section by vote of its school committee shall not be required to pay the tuition of any student under the provisions of section eight if such student has completed the twelfth grade; provided, however, that a tuition and other related fees shall be charged to such a student in an amount equivalent to that charged at a public regional community college and approved by the commissioner under the direction of the state board.

SECTION 3. The first paragraph of section 37A of said chapter 74, as most recently amended by section 3 of chapter 268 of the acts of 1967, is hereby further amended by adding the following sentence:-

Tuition and other related fees may be charged to students residing in a city, town or regional school district maintaining vocational programs beyond the secondary school level; and provided that such fees shall be equivalent to that amount charged at a public regional community college and approved by the commissioner under the direction of the state board.

SECTION 4. Section 7A of chapter 71 of the General Laws, as most recently amended by section 1 of chapter 286 of the acts of 1976, is hereby further amended by adding:-

No school committee shall be required to provide transportation under this section or under section 68 to any pupil who has completed the twelfth grade.

SECTION 5. Section 6 of chapter 70 of the General Laws, added by section 70B of chapter 367 of the acts of 1978, is hereby further amended by removing the period at the end of the first sentence and inserting thereafter the following:-

"and also excluding therefrom reimbursements for tuition fees for non-resident students who have satisfactorily completed the twelfth grade."

SECTION 6. Chapter 74 of the General Laws is hereby amended by adding the following section:-

SECTION 8B. The commonwealth shall reimburse cities, towns, regional school districts and independent vocational schools which admit students under the provisions of section seven of this chapter who have satisfactorily completed the twelfth grade in any year in which the school aid for said city, town, regional school district or independent vocational school is determined by section six of chapter seventy.

SECTION 7. The provisions of sections one through six of this act shall not apply with respect to students who prior to the effective date of this act were enrolled in, and have not completed, a vocational education program beyond the secondary school level.

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